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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

STEVEN WAYNE FELDMAN,

Plaintiff,

v.

STATE OF WISCONSIN, et al.,

Defendant.

Case No. 3:15-CV-0111-LRH (VPC)

ORDER

Before the court is plaintiff's application to proceed *in forma pauperis* (#1).¹

A person may be granted permission to proceed *in forma pauperis* if the person "submits an affidavit that includes a statement of all assets such [person] possesses [and] that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." 28 U.S.C. § 1915(a)(1). "[T]he supporting affidavits [must] state the facts as to the affiant's poverty with some particularity, definiteness, and certainty." *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981) (per curiam) (citing *Jefferson v. United States*, 277 F.2d 723, 725 (9th Cir. 1960)). The litigant need not "be absolutely destitute to enjoy the benefits of the statute." *Adkins v. E.I. du Pont De Nemours & Co.*, 335 U.S. 331, 339 (1948).

When a prisoner seeks to proceed without prepaying the filing fee:

¹The court notes that eighteen other cases have been initiated by plaintiff in this District since 2006. All eighteen cases have been summarily dismissed or transferred to other courts.

1 [I]n addition to filing the affidavit filed [as described above], shall submit
 2 a certified copy of the trust fund account statement (or institutional equivalent) for
 3 the prisoner for the 6-month period immediately preceding the filing of the
 4 complaint or notice of appeal, obtained from the appropriate official of each
 5 prison at which the prisoner is or was confined.

6 28 U.S.C. § 1915(a)(2).

7 Notwithstanding the foregoing:

8 [I]f a prisoner brings a civil action...in forma pauperis, the prisoner shall
 9 be required to pay the full amount of a filing fee. The court shall assess and,
 10 when funds exist, collect, as a partial payment of any court fees required by law,
 11 an initial partial filing fee of 20 percent of the great of—

12 (A) the average monthly deposits to the prisoner's account; or

13 (B) the average monthly balance in the prisoner's account for the
 14 6-month period immediately preceding the filing of the
 15 complaint or notice of appeal.

16 (2) After payment of the initial partial filing fee, the prisoner shall be
 17 required to make monthly payments of 20 percent of the preceding month's
 18 income credited to the prisoner's account. The agency having custody of the
 19 prisoner shall forward payments from the prisoner's account to the clerk of the
 20 court each time the amount in the account exceeds \$10 until the filing fees are
 21 paid.

22 28 U.S.C. § 1915(b)(1), (2).

23 Plaintiff has submitted an application to proceed *in forma pauperis* (#1) which indicates
 24 that he is presently in custody at the Wisconsin Resource Center ("WRC") which is a specialized
 25 mental health facility established as a prison.² Plaintiff has failed to include the required
 26 financial certificate from the WRC or have the application signed by the appropriate officer at
 27 WRC. This is contrary to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-1.

28 Accordingly, plaintiff's application to proceed *in forma pauperis* is **DENIED**
WITHOUT PREJUDICE. If plaintiff wishes to proceed *in forma pauperis*, he must comply
 with the requirements set forth in 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-1.

²www.dhs.wisconsin.gov/wrc/index.htm

1 The court further notes that while plaintiff did file a civil rights complaint, it is largely
2 incomprehensible and references cases that may have been filed in other states or districts (#1-1).
3 Plaintiff has also submitted two motions "to dismiss and waive court costs" (#s 6 & 7) which
4 appear to indicate he does not wish to pursue this case.

5 Accordingly, this improperly commenced action is therefore **DISMISSED WITHOUT**
6 **PREJUDICE**. If plaintiff seeks to renew this action, he must file a properly commenced action
7 under a new case number with either the required filing fee or a properly completed and
8 supported application to proceed *in forma pauperis*. The Clerk shall enter judgment accordingly.

9 Dated: April 30, 2015.

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12 _____
13 UNITED STATES MAGISTRATE JUDGE
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